

**FEDERAL REGISTER**

VOLUME 3

NUMBER 202

*Washington, Saturday, October 15, 1938*

*Rules, Regulations, Orders*

**TITLE 9—ANIMALS AND ANIMAL PRODUCTS**

**CHAPTER I—BUREAU OF ANIMAL INDUSTRY**

[Amendment 24 to Declaration No. 12<sup>1</sup>]

DECLARING NAMES OF COUNTIES PLACED IN MODIFIED TUBERCULOSIS-FREE ACCREDITED AREAS

OCTOBER 1, 1938.

In accordance with Section 2 of Regulation 7 of B. A. I. Order 309, as amended September 10, 1936,<sup>2</sup> the following named counties in the States named having completed the necessary retests for re-accreditation, are hereby continued in the status of "Modified Accredited Areas" until the date given opposite each county named.

Alabama: Choctaw, October 1, 1941; Clarke, October 1, 1941; Jackson, October 1, 1941; Marengo, October 1, 1941; Mobile, October 1, 1941; Washington, October 1, 1941.

Arizona: Graham, October 1, 1941.

Arkansas: Carroll, October 1, 1941; Conway, October 1, 1941; Phillips, October 1, 1941.

Florida: Baker, October 1, 1941; Bradford, October 1, 1941; Nassau, October 1, 1941; Union, October 1, 1941.

Georgia: Calhoun, October 1, 1941; Clay, October 1, 1941; Early, October 1, 1941; Glascock, October 1, 1941; Jones, October 1, 1941; Lowndes, October 1, 1941; McDuffie, October 1, 1941; McIntosh, October 1, 1941; Newton, October 1, 1941; Putnam, October 1, 1941; Seminole, October 1, 1941; Ware, October 1, 1941.

Illinois: Jo Daviess, October 1, 1941; Logan, October 1, 1941; Piatt, October 1, 1941; Stark, October 1, 1941; White, October 1, 1941.

Indiana: Boone, October 1, 1941; La Porte, October 1, 1941; Vigo, October 1, 1941.

Iowa: Keokuk, October 1, 1941; Union, October 1, 1941.

Kansas: Atchison, October 1, 1941; Jewel, October 1, 1941; Seward, October 1, 1941; Shawnee, October 1, 1941; Stevens, October 1, 1941.

Kentucky: Henry, October 1, 1941; Robertson, October 1, 1941.

Michigan: Dickinson, October 1, 1941; Iron, October 1, 1941; Marquette, October 1, 1941; Ontonagon, October 1, 1941; Schoolcraft, October 1, 1941.

Minnesota: Hennepin, October 1, Polk, October 1, 1944.

Mississippi: Marion, October 1, 1941.

Missouri: Audrain, October 1, 1941; Boone, October 1, 1941; Callaway, October 1, 1941; Chariton, October 1, 1941; Daviess, October 1, 1941; Grundy, October 1, 1941; Knox, October 1, 1941; Laclede, October 1, 1941; Lewis, October 1, 1941; Macon, October 1, 1941; Randolph, October 1, 1941.

Montana: Beaverhead, October 1, 1941; Golden Valley, October 1, 1941; Phillips, October 1, 1941.

Nebraska: Hitchcock, October 1, 1941; Johnson, October 1, 1941; Kearney, October 1, 1941; Nance, October 1, 1941.

New Jersey: Bergen, October 1, 1940. New Mexico: Quay, October 1, 1941.

North Carolina: Catawba, October 1, 1941; Davidson, October 1, 1941; Rowan, October 1, 1941.

Ohio: Belmont, October 1, 1941; Harrison, October 1, 1941; Jefferson, October 1, 1941; Licking, October 1, 1941.

Oklahoma: Cimarron, October 1, 1941; Dewey, October 1, 1941; Texas, October 1, 1941; Washita, October 1, 1941.

Pennsylvania: Armstrong, October 1, 1941; Lebanon, October 1, 1941.

South Carolina: Charleston, October 1, 1941; Florence, October 1, 1941.

South Dakota: Bennett, October 1, 1941; Fall River, October 1, 1941; Hamlin, October 1, 1941; Harding, October 1, 1941; Shannon, October 1, 1941; Washabaugh, October 1, 1941; Washington, October 1, 1941.

Tennessee: Fentress, October 1, 1941; Lauderdale, October 1, 1941; Morgan, October 1, 1941; Overton, October 1,

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<sup>1</sup>Supplements footnote to 9 C.F.R. 3.303.  
<sup>2</sup>1 F.R. 1338.



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any definite reduction of fat, etc., within any definite period of time, prohibited. (Sec. 5b, 52 Stat. 112; 15 U. S. C., Supp. IV, sec. 45b.) [Cease and desist order, Gates Medicine Company, Inc., Docket 3483, October 4, 1938.]

Sec. 3.6 (1) Advertising falsely or misleadingly—Indorsements and testimonials: Sec. 3.18 Claiming indorsements or testimonials falsely.—Falsely representing that "Rock-A-Water Tablets", or any substantially similar product, have approval of a "noted authority" or any other authority, prohibited. (Sec. 5b, 52 Stat. 112; 15 U. S. C., Supp. IV, sec. 45b.) [Cease and desist order, Gates Medicine Company, Inc., Docket 3483, October 4, 1938.]

*United States of America—Before Federal  
Trade Commission*

At a regular session of the Federal Trade Commission, held at its office in the City of Washington, D. C., on the 4th day of October, A. D. 1938.

Commissioners: Garland S. Ferguson, Chairman; Charles H. March, Ewin L. Davis, William A. Ayres, Robert E. Freer.

**ORDER TO CEASE AND DESIST**

This proceeding having been heard by the Federal Trade Commission upon the complaint of the Commission and the answer of respondent, in which answer respondent admits all the material allegations of fact as set forth in said complaint and states that it waives all intervening procedure and further hearing as to said facts, and the Commission having made its findings as to the facts and conclusion that said respondent has violated the provisions of the Federal Trade Commission Act;

*It is ordered*, That respondent, Gates Medicine Company, Inc., its officers, representatives, agents and employees, in connection with the offering for sale, sale and distribution in interstate commerce and in the District of Columbia of the product now designated as "Rock-A-Water Tablets", or of any product or products of substantially the same or similar ingredients, or possessing the same or similar properties, under the same or any other name or names, do forthwith cease and desist, directly or indirectly, from representing:

(1) That said product constitutes a safe or harmless agency, which may be taken with impunity by all persons, for the reduction of fat or decrease in body weight;

(2) That the use of said product will cause the user to "reduce 10 pounds in 11 days" or result in any definite reduction of fat or decrease in body weight within any definite period of time;

(3) That said product has the approval of a "noted authority", or any other authority, when such is not the fact.

*It is further ordered.* That the respondent shall, within ten (10) days after service upon it of this order, file

with the Commission an interim report in writing stating whether it intends to comply with this order, and, if so, setting forth in detail the manner and form in which it intends to comply; and that, within sixty (60) days after service upon it of this order, said respondent shall file with the Commission a report in writing, setting forth in detail the manner and form in which it has complied with this order.

By the Commission.

[SEAL] OTIS B. JOHNSON,  
Secretary.

[F. R. Doc. 38-3036; Filed, October 14, 1938;  
11:41 a. m.]

## TITLE 17—COMMODITIES AND SECURITIES EXCHANGES SECURITIES AND EXCHANGE COMMISSION

SECURITIES ACT OF 1933, SECURITIES EXCHANGE ACT OF 1934, PUBLIC UTILITY HOLDING COMPANY ACT OF 1935

### AMENDMENT TO RULES OF PRACTICE

The Securities and Exchange Commission, acting pursuant to authority conferred upon it by the Securities Act of 1933, as amended, particularly Section 19 (a) [C. 38, sec. 19, 48 Stat. 85; c. 404, sec. 209, 48 Stat. 908; 15 U. S. C. 77s] thereof, the Securities Exchange Act of 1934, particularly Section 23 (a) [C. 404, sec. 23, 48 Stat. 901; c. 462, sec. 8, 49 Stat. 1379; 15 U. S. C. 78w and Sup. III] thereof, the Public Utility Holding Company Act of 1935, particularly Section 20 (a) [C. 687, sec. 20, 49 Stat. 833; 15 U. S. C., Sup. III, 79t] thereof, and finding that it is necessary to carry out the provisions of the Securities Act of 1933, as amended, and the Public Utility Holding Company Act of 1935, and that it is necessary for the execution of the functions vested in the Commission by the Securities Exchange Act of 1934 hereby amends Rule IX (e) [Sec. 1.IX] of the Rules of Practice of the Commission by striking the first sentence of said rule and substituting the following sentence:

"Within five days after the receipt of a copy of the transcript of the testimony, if promptly at the conclusion of the hearing he has ordered a copy thereof, or if he has not ordered a copy, within five days after the filing of the transcript of the testimony with the duly designated officer of the Commission, any party or counsel to the Commission may submit to the presiding officer, or, in the case of a hearing before a trial examiner in respect of which no trial examiner's report is required to be submitted, to the officer designated in paragraph (a) of this Rule as the person with whom transcripts of testimony are to be filed, a statement in writing in terse outline setting forth such party's request for

specific findings, which may be accompanied by a brief in support thereof."

Effective immediately upon publication.'

By the Commission.

[SEAL] FRANCIS P. BRASSOR,  
Secretary.

[F. R. Doc. 38-3046; Filed, October 14, 1938;  
12:49 p. m.]

## TITLE 29—LABOR WAGE AND HOUR DIVISION

[Part 521]

### REGULATIONS APPLICABLE TO EMPLOYMENT OF APPRENTICES PURSUANT TO SECTION 14 OF THE FAIR LABOR STANDARDS ACT \*

The following regulations—Part 521—(Regulations applicable to Employment of Apprentices pursuant to Section 14 of the Fair Labor Standards Act) are hereby issued. Said Regulations—Part 521—shall become effective upon my signing the original and upon the publication thereof in the FEDERAL REGISTER and shall be in force and effect until repealed by regulations hereafter made and published by me.

Signed at Washington, D. C., this 12 day of Oct. 1938.

ELMER F. ANDREWS,  
Administrator.

It having been found by me upon investigation that, in order to prevent curtailment of opportunities for employment, it is necessary to make special provision for the employment of apprentices at minimum wage rates fixed in the apprenticeship agreement, where such rates are less than the minimum wage rates applicable under Section 6 of the Fair Labor Standards Act of 1938, I hereby prescribe the following Rules and Regulations governing the employment of apprentices:\*

#### SECTION 521.1 DEFINITIONS

For the purpose of these Rules and Regulations the term "apprentice" shall mean: a person at least 16 years of age who is covered by a written agreement with an employer, or with an association of employers, which apprenticeship agreement (1) has been approved by the State Apprenticeship Council or other established authority of the State, or if none such exists, by the Federal Committee on Apprenticeships, and (2) provides for not less than 4,000 hours of reasonably continuous employment for such person, for his participation in an approved schedule of work experience through employment and at least 144 hours per year of related supplemental instruction.\*

\*October 14, 1938.

\* Sections 521.1 to 521.8 issued under the authority contained in Sec. 14, 52 Stat. 1060.

#### SECTION 521.2 APPLICATIONS ON OFFICIAL FORMS

Whenever employment of an apprentice is desired at a rate or rates less than the minimum wage rate applicable under Section 6 of the Fair Labor Standards Act of 1938, application therefor may be made of the Administrator of the Wage and Hour Division, Department of Labor, Washington, D. C., upon forms furnished by that agency.\*

#### SECTION 521.3 APPLICATIONS TO BE JOINT

Such application shall be signed by both the employer and the apprentice and shall be accompanied by the apprenticeship agreement or an authenticated copy thereof.\*

#### SECTION 521.4 ISSUANCE OF SPECIAL CERTIFICATES

If, upon an examination of such application and the accompanying apprenticeship agreement, the Administrator or his authorized representative is satisfied that the application and agreement comply with the provisions of the foregoing regulations, and that not less than 4,000 hours of reasonably continuous employment is required to prepare a worker of normal ability for the skilled occupation designated in the apprenticeship agreements, he will issue, in triplicate, a Special Certificate in the name of the Administrator, authorizing the employment of the named apprentice at the rate or rates (less than the minimum wage applicable under Section 6) and for the length or lengths of time specified in the agreement. Such rate or rates and the length of time for which they are applicable shall be set forth in the Certificate.\*

#### SECTION 521.5 COPIES OF CERTIFICATES

One copy of the Certificate will be given the apprentice, one copy shall be given the employer who shall keep the same on file with his employment record, and one copy will be retained in the files of the Wage and Hour Division, Department of Labor.\*

#### SECTION 521.6 RATE SET IN CERTIFICATE

No employer shall employ any apprentice under a Special Certificate at a wage rate less than the rate applicable in such Certificate.\*

#### SECTION 521.7 PETITION FOR REVIEW

Any person aggrieved by the action of an authorized representative of the Administrator under these regulations, either in granting or denying a Certificate for the employment of an apprentice, may, within 15 days after the action of such representative, or within such further time as the Administrator, for cause shown, may allow, file a petition with the Administrator requesting a review by the Administrator of the action of the representative and praying for such relief as is desired. If the request for review is

granted, all interested parties will be afforded an opportunity to be heard, either in support or in opposition to the matters prayed for in the petition. A notice of the time and place and scope of the hearing will be published in the *FEDERAL REGISTER* and made public by general press release at least five days before the date of such hearing: Provided, that if review is granted by the Administrator in a case where the petitioners are requesting the cancellation of a Special Certificate, a notice of the time and place of the hearing will be sent by registered mail to the apprentice and his employer at their last known address or addresses.\*

#### SECTION 521.8 PETITION FOR AMENDMENT OF REGULATIONS

Any person wishing a revision of any of the terms of the foregoing regulations applicable to apprentices may submit in writing to the Administrator a petition setting forth the changes desired and the reasons for proposing them. If, upon inspection of the petition, the Administrator believes that reasonable cause for amendment of the Rules and Regulations is set forth the Administrator will either schedule a hearing, with due notice to interested parties, or will make other provision for affording interested parties an opportunity to present their views, both in support and in opposition to the proposed changes.

[F. R. Doc. 38-3050; Filed, October 14, 1938; 1:16 p. m.]

[Part 522]

#### REGULATIONS APPLICABLE TO EMPLOYMENT OF LEARNERS PURSUANT TO SECTION 14 OF THE FAIR LABOR STANDARDS ACT \*

The following regulations—Part 522—(Regulations applicable to Employment of Learners pursuant to Section 14 of the Fair Labor Standards Act) are hereby issued. Said Regulations—Part 522—shall become effective upon my signing the original and upon the publication thereof in the *FEDERAL REGISTER* and shall be in force and effect until repealed by regulations hereafter made and published by me.

Signed at Washington, D. C. this 12 day of Oct. 1938.

ELMER F. ANDREWS,  
Administrator.

#### SECTION 522.1 APPLICATION FOR LEARNERS

Application may be made to the Administrator of the Wage and Hour Division, Department of Labor, Washington, D. C. to employ learners in an occupation at a wage lower than the minimum wage applicable under Section 6 of the Fair Labor Standards Act of 1938 whenever employment at such lower rate is necessary to prevent curtailment of employment opportunities.\*

\* Sections 522.1 to 522.10 issued under the authority contained in Sec. 14, 52 Stat. 1060.

#### SECTION 522.2 APPLICATIONS BY GROUPS OR INDIVIDUALS

Such application may be filed by an employer or employee or group of employers or employees. Preferential consideration will be given, however, to applications filed by groups or organizations which are deemed to be representative of the interests of a whole industry or branch thereof.\*

#### SECTION 522.3 CONSIDERATION ON BASIS OF INDUSTRY

All applications filed under these regulations will be considered and acted upon on the basis of the needs of the employees and employers in the industry as a whole rather than on the basis of the needs of individual employees or employers in the industry.\*

#### SECTION 522.4 INFORMATION IN APPLICATIONS

The application shall

- (a) identify the industry and occupation or occupations therein in which learners are requested to be employed at a wage lower than those applicable under Section 6;

- (b) describe the processes to be learned in the occupation;

- (c) state whether experienced workers are available for employment in the occupation or occupations for which learners are requested to be employed at a wage lower than those applicable under Section 6, as shown by the records of the public employment office or offices in the region where such industry or branch thereof is located;

- (d) state average hourly earnings of experienced workers in such occupation;

- (e) state why learners should be employed at a wage less than those applicable under Section 6;

- (f) set forth the proposed hourly wage rate at which learners will be compensated; and

- (g) include any other information believed to be pertinent.\*

#### SECTION 522.5 HEARINGS

A hearing will be held before the Administrator or his authorized representative on such application at which all interested parties will be afforded an opportunity to present evidence and to be heard. A notice of the time, place, and scope of the hearing will be published in the *FEDERAL REGISTER* and made public by a general press release at least five days before the date of such hearing.\*

#### SECTION 522.6 WITNESSES

The Administrator or his authorized representative may cause to be brought before him at such hearing any witness whose testimony he deems material to the matters in issue.\*

#### SECTION 522.7 BURDEN OF PROOF ON APPLICANTS

The applicants shall have the burden of showing at such hearing that the minimum wage applicable under Section 6

will curtail employment opportunities for learners in the occupation or occupations of the industry designated in the application.\*

#### SECTION 522.8 FURTHER REGULATIONS FOR CERTIFICATES

If upon the hearing the Administrator or his authorized representative determines that a lower wage rate than the rate applicable under Section 6 is necessary for an occupation or occupations of the industry to prevent curtailment of employment opportunities, the Administrator will issue regulations providing for the employment of learners in such occupation in the industry under special certificates at such lower wage (subject to such limitations as to time, number, proportion and length of service) as the Administrator or his authorized representative has found to be necessary on the basis of the evidence presented at the hearing.\*

#### SECTION 522.9 PETITION FOR REVIEW

Any person aggrieved by the action of an authorized representative of the Administrator under these regulations may within fifteen days after the action of such representative file a petition with the Administrator requesting a review by the Administrator of the action of the representative. If the request for review is granted, all interested parties will be afforded an opportunity to be heard either in support or in opposition to the matters prayed for in the petition. A notice of the time and place and scope of the hearing will be published in the *FEDERAL REGISTER* and made public by a general press release at least five days before the date of such hearing.\*

#### SECTION 522.10 PETITION FOR AMENDMENT OF REGULATIONS

Any person wishing a revision of any of the terms of the foregoing regulations applicable to learners may submit in writing to the Administrator a petition setting forth the changes desired and the reasons for proposing them. If, upon inspection of the petition, the Administrator believes that reasonable cause for amendment of the regulations is set forth, the Administrator will either schedule a hearing with due notice to interested parties, or will make other provision for affording interested parties an opportunity to present their views, either in support or in opposition to the proposed changes.\*

[F. R. Doc. 38-3051; Filed, October 14, 1938; 1:16 p. m.]

[Part 523]

#### REGULATIONS APPLICABLE TO EMPLOYMENT OF MESSENGERS PURSUANT TO SECTION 14 OF THE FAIR LABOR STANDARDS ACT \*

The following regulations—Part 523—(Regulations applicable to Employment

\* Sections 523.1 to 523.10 issued under the authority contained in Sec. 14, 52 Stat. 1060.

of Messengers pursuant to Section 14 of the Fair Labor Standards Act) are hereby issued. Said Regulations—Part 523—shall become effective upon my signing the original and upon the publication thereof in the FEDERAL REGISTER and shall be in force and effect until repealed by regulations hereafter made and published by me.

Signed at Washington, D. C. this 12 day of Oct. 1938.

ELMER F. ANDREWS,  
Administrator.

#### SECTION 523.1 APPLICATION FOR MESSENGERS

Application may be made to the Administrator of the Wage and Hour Division, Department of Labor, Washington, D. C., to employ messengers to be engaged exclusively in delivering letters and messages at a wage lower than the minimum wage applicable under Section 6 of the Fair Labor Standards Act of 1938 whenever employment at such lower rate is necessary to prevent curtailment of employment opportunities.\*

#### SECTION 523.2 APPLICATIONS BY GROUPS OR INDIVIDUALS

Such application may be filed by an employer or employee or group of employers or employees. Preferential consideration will be given, however, to applications filed by groups or organizations which are deemed to be representative of the interests of a whole industry or branch thereof.\*

#### SECTION 523.3 CONSIDERATION ON BASIS OF INDUSTRY

All applications filed under these regulations will be considered and acted upon on the basis of the needs of the employees and employers in the industry as a whole rather than on the basis of the needs of individual employees or employers in the industry.\*

#### SECTION 523.4 INFORMATION IN APPLICATIONS

The application shall

(a) identify the industry in which messengers, to be engaged exclusively in delivering letters and messages, are requested to be employed at a wage lower than those applicable under Section 6;

(b) set forth the proposed hourly wage rate at which messengers will be compensated;

(c) state why messengers should be employed at a wage less than those applicable under Section 6; and

(d) include any other information believed to be pertinent.\*

#### SECTION 523.5 HEARINGS

A hearing will be held before the Administrator or his authorized representative on such application at which all interested parties will be afforded an opportunity to present evidence and to be heard. A notice of the time, place, and scope of the hearing will be published in the FEDERAL REGISTER and made

public by a general press release at least five days before the date of such hearing.\*

#### SECTION 523.6 WITNESSES

The Administrator or his authorized representative may cause to be brought before him at such hearing any witness whose testimony he deems material to the matters in issue.\*

#### SECTION 523.7 BURDEN OF PROOF ON APPLICANTS

The applicant or applicants shall have the burden of showing at such hearing that the minimum wage applicable under Section 6 will curtail employment opportunities for messengers in the industry designated in the application.\*

#### SECTION 523.8 FURTHER REGULATIONS FOR CERTIFICATES

If upon the hearing the Administrator or his authorized representative determines that a lower wage rate than the rate applicable under Section 6 is necessary to prevent curtailment of employment opportunities, the Administrator will issue rules and regulations providing for the employment of messengers in the industry under special certificates at such lower wage (subject to such limitations as to time, number, proportion and length of service) as the Administrator or his authorized representative has found to be necessary on the basis of the evidence presented at the hearing.\*

#### SECTION 523.9 PETITION FOR REVIEW

Any person aggrieved by the action of an authorized representative of the Administrator under these regulations may within fifteen days after the action of such representative file a petition with the Administrator requesting a review by the Administrator of the action of the representative. If the request for review is granted, all interested parties will be afforded an opportunity to be heard either in support or in opposition to the matters prayed for in the petition. A notice of the time and place and scope of the hearing will be published in the FEDERAL REGISTER and made public by general press release at least five days before the date of such hearing.\*

#### SECTION 523.10 PETITION FOR AMENDMENT OF REGULATIONS

Any person wishing a revision of any of the terms of the foregoing regulations applicable to messengers may submit in writing to the Administrator a petition setting forth the changes desired and the reasons for proposing them. If, upon inspection of the petition, the Administrator believes that reasonable cause for amendment of the regulations is set forth, the Administrator will either schedule a hearing with due notice to interested parties, or will make other provision for affording interested parties an opportunity to present their views, both in support and in opposition to the proposed changes.\*

[F. R. Doc. 38-3052; Filed, October 14, 1938;  
1:16 p. m.]

[Part 524]

#### REGULATIONS APPLICABLE TO EMPLOYMENT OF HANDICAPPED PERSONS PURSUANT TO SECTION 14 OF THE FAIR LABOR STANDARDS ACT\*

The following regulations—Part 524—(Regulations applicable to Employment of Handicapped Persons pursuant to Section 14 of the Fair Labor Standards Act) are hereby issued. Said Regulations—Part 524—shall become effective upon my signing the original and upon the publication thereof in the FEDERAL REGISTER and shall be in force and effect until repealed by regulations hereafter made and published by me.

Signed at Washington, D. C. this 12 day of Oct. 1938.

ELMER F. ANDREWS,  
Administrator.

#### SECTION 524.1 PURPOSE OF APPLICATION

Application may be made to the Administrator of the Wage and Hour Division, Department of Labor, Washington, D. C. to employ a worker whose earning capacity is impaired by age or physical or mental deficiency or injury, at a wage lower than the minimum wage applicable under Section 6 of the Fair Labor Standards Act of 1938, whenever employment at such lower rate is necessary to prevent curtailment of employment opportunities.\*

#### SECTION 524.2 APPLICATIONS ON OFFICIAL FORMS

Such application shall be made upon forms furnished by the Wage and Hour Division and shall be signed by both the handicapped worker and the employer.\*

#### SECTION 524.3 ISSUANCE OF CERTIFICATES

If the application is in proper form and sets forth facts showing

(a) that the worker is handicapped within the meaning of Section 14 of said act;

(b) that such handicap has impaired the earning capacity of the worker for the particular position for which the application is made, and the extent of such impairment; and

(c) that such worker should be employed at a wage lower than the minimum wage applicable under Section 6 to prevent curtailment of such worker's employment opportunities,

the Administrator or his authorized representative may accept the facts as presented and issue, in triplicate, a Special Certificate in the name of the Administrator, authorizing the employment of the named worker in the position designated at such rate lower than the minimum wage applicable under Section 6 and for such length of time as the Administrator or such representative determines to be necessary to prevent curtailment of employment opportunities.

\* Sections 524.1 to 524.10 issued under the authority contained in Sec. 14, 52 Stat. 1060.

subject to the limitations hereinafter prescribed in these regulations. Such rate and the length of time for which it is applicable shall be specified in the Certificate.\*

**SECTION 524.4 INVESTIGATION MAY BE ORDERED**

To determine whether the facts justify the issuance of a Special Certificate for a handicapped worker, the Administrator or his authorized representative may in any case order an investigation and require the worker to take a medical examination, or may require that certain facts be certified to by designated officers of the state or federal government.\*

**SECTION 524.5 REQUIREMENT FOR RATES LESS THAN 75% OF APPLICABLE RATE**

No wage rate fixed for a handicapped worker shall be less than 75% of the minimum wage applicable under Section 6 until approved by the Administrator after investigation showing that such lesser wage rate is justified.\*

**SECTION 524.6 TERMINATION OF CERTIFICATES**

All Special Certificates issued for handicapped workers prior to July 1, 1939 shall terminate on September 1, 1939.\*

**SECTION 524.7 NO CERTIFICATES FOR SLOW OR INEXPERIENCED WORKERS**

No Special Certificate will be issued for a worker because he is shown to be slow or inexperienced, unless he is handicapped within the meaning of the act and these regulations.\*

**SECTION 524.8 PROHIBITION—FALSE EVIDENCE**

(a) No employer shall employ any handicapped worker under a Special Certificate at a wage rate lower than the rate applicable in such Certificate.

(b) No employer shall set forth any fact or facts in his application which he knows or has reasonable cause to believe are false.

(c) A Special Certificate shall be null and void if any material statement of information carried in the application is found to be false.\*

**SECTION 524.9 PETITION FOR REVIEW**

Any person aggrieved by the action of the Administrator or an authorized representative of the Administrator under these regulations, either in granting or denying a Certificate for the employment of a handicapped worker, may within 15 days thereafter, or within such further time as the Administrator, for cause shown, may allow, file a petition with the Administrator requesting a review by the Administrator of his action or the action of the authorized representative and praying for such relief as is desired. If the request for review is granted, all interested parties will be afforded an op-

portunity to be heard, either in support or in opposition to the matters prayed for in the petition. A notice of the time and place and scope of the hearing will be published in the *FEDERAL REGISTER* and made public by general press release at least 5 days before the date of such hearing: *Provided*, That if review is granted by the Administrator in a case where the petitioners are requesting the cancellation of a Special Certificate, a notice of the time and place of the hearing will be sent by registered mail to the handicapped worker and his employer named in the Certificate, at their last known address or addresses.\*

**SECTION 524.10 PETITION FOR AMENDMENT OR REGULATIONS**

Any person wishing a revision of any of the terms of the foregoing regulations applicable to handicapped workers may submit in writing to the Administrator a petition setting forth the changes desired and the reasons for proposing them. If, upon inspection of the petition, the Administrator believes that reasonable cause for amendment of the rules and regulations is set forth, the Administrator will either schedule a hearing, with due notice to interested parties, or will make other provision for affording interested parties an opportunity to present their views, both in support and in opposition to the proposed changes.\*

[F. R. Doc. 38-3053; Filed, October 14, 1938; 1:17 p.m.]

**TITLE 33—NAVIGATION AND NAVIGABLE WATERS**

**WAR DEPARTMENT**

**AMENDMENT TO RULES AND REGULATIONS GOVERNING DISPLAY OF SIGNALS ON, AND OPERATION OF, ALL CRAFT AND ACCESSORIES WORKING ON WRECKS, ENGAGED IN DREDGING, SURVEYING, OR OTHER WORK OF IMPROVEMENT, AND THE USE AND NAVIGATION OF WATERS IN VICINITY, IN ALL HARBORS, RIVERS, AND INLAND WATERS OF UNITED STATES, EXCEPT GREAT LAKES AND THEIR CONNECTING AND TRIBUTARY WATERS AS FAR EAST AS MONTREAL, RED RIVER OF THE NORTH, AND RIVERS EMPTYING INTO GULF OF MEXICO AND THEIR TRIBUTARIES**

In pursuance of Section 7 of the River and Harbor Act<sup>1</sup> approved August 8, 1917, paragraph 1 of these regulations is hereby amended to read as follows:

7. Lights to be displayed on pipe lines—Floodlights.

Pipe lines attached to dredges, and either floating or supported on trestles, shall display by night one row of amber lights not less than 8 feet nor more than 12 feet above the water, about equally spaced and in such number as to mark distinctly the entire length and course of the line, the intervals between lights where the line crosses navigable channels to be not more than 30 feet. There shall also be displayed on the shore or discharge end of the line 2 red lights, 3 feet apart, in a vertical line with the lower light at least 8 feet above the water, and if the line is to be open at night for the passage of vessels, a similar arrangement of lights shall be displayed on each side of the opening. The light shall be of the same size and character as specified in rule 5 above.

All floodlights or headlights of which the light rays point directly toward an

approaching vessel shall be switched off until the passing vessel has reached a point where such lights will not blind the pilot.

Approved, October 3, 1938.

[SEAL] **HARRY H. WOODRING,**  
*Secretary of War.*

[F. R. Doc. 38-3029; Filed, October 14, 1938; 9:54 a.m.]

**AMENDMENT TO SUPPLEMENTAL REGULATIONS GOVERNING DISPLAY OF SIGNALS ON, AND OPERATION OF, ALL CRAFT AND ACCESSORIES WORKING ON WRECKS, ENGAGED IN DREDGING, SURVEYING, OR OTHER WORK OF IMPROVEMENT, AND THE USE AND NAVIGATION OF WATERS IN VICINITY, IN ALL HARBORS, RIVERS, AND INLAND WATERS OF UNITED STATES, EXCEPT GREAT LAKES AND THEIR CONNECTING AND TRIBUTARY WATERS AS FAR EAST AS MONTREAL, RED RIVER OF THE NORTH, AND RIVERS EMPTYING INTO GULF OF MEXICO AND THEIR TRIBUTARIES**

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All floodlights or headlights of which the light rays point directly toward an

<sup>1</sup> 40 Stat. 266; 3 F. R. 1111 D1.

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approaching vessel shall be switched off until the passing vessel has reached a point where such lights will not blind the pilot.

Approved, October 3, 1938.

[SEAL] HARRY H. WOODRING,  
Secretary of War.

[F. R. Doc. 38-3030; Filed, October 14, 1938;  
9:55 a. m.]

## TITLE 42—PUBLIC HEALTH AND EDUCATION CHILDREN'S BUREAU

### CHILD LABOR REGULATIONS

#### REGULATION NO. 1—CERTIFICATES OF AGE

OCTOBER 14, 1938.

By virtue of and pursuant to the authority conferred by section 3 (1) and section 11 (b) of the Fair Labor Standards Act of 1938 (Act of June 25, 1938, Public No. 718, 75th Congress, Chapter 676, 3d Session), the following regulation is prescribed for the administration of the child-labor provisions of the Fair Labor Standards Act of 1938 relating to certificates of age.

#### Authority for Regulation

#### SEC. 3 (1) OF THE ACT

"\* \* \* oppressive child labor shall not be deemed to exist by virtue of the employment in any occupation of any person with respect to whom the employer shall have on file an unexpired certificate issued and held pursuant to regulations of the Chief of the Children's Bureau certifying that such person is above the oppressive child-labor age."

#### SEC. 11 (b) OF THE ACT

"With the consent and cooperation of State agencies charged with the administration of State labor laws, the Administrator and the Chief of the Children's Bureau may, for the purpose of carrying out their respective functions and duties under this act, utilize the services of State and local agencies and their employees and, notwithstanding any other provision of law, may reimburse such State and local agencies and their employees for services rendered for such purposes."

#### Certificates of Age

SEC. 1. Definitions.—As used in this regulation:

(a) "Act" means the child-labor provisions of the Fair Labor Standards Act of 1938;

(b) "Chief of the Bureau" means the Chief of the Children's Bureau of the United States Department of Labor;

(c) "Oppressive child-labor age" means—

(1) Under the age of 16 years with respect to employment in any occupation;

(2) 16 and under 18 years of age with respect to employment in any occupation found and by order declared by the Chief of the Bureau to be particularly hazardous for the employment of minors of such ages or detrimental to their health or well-being.

(d) A certificate of age means a certificate as provided in subsections (a) or (b) of section 2 of this regulation.

(e) "State agency" means any executive department, board, bureau or commission of the State or any division or unit thereof.

Sec. 2. *Certificates of age, effect.*—The employment of any minor shall not be deemed to constitute oppressive child labor under the Act if his employer shall have on file an unexpired certificate, issued and held in accordance with this regulation, which shall be either:—

(a) A Federal certificate of age, issued by a person authorized by the Chief of the Bureau, showing that such minor is above the oppressive child-labor age applicable to the occupation in which he is employed, or—

(b) A State certificate, which may be in the form of and known as an age, employment, or working certificate or permit, issued by or under the supervision of a State agency in such States as hereafter may be designated for this purpose by the Chief of the Bureau, showing that such minor is above the oppressive child-labor age applicable to the occupation in which he is employed. Any such certificate shall have the force and effect specified in section 4 hereof.

An employer, in order to protect himself from unwitting violation of the Act, should obtain a certificate of age as prescribed in paragraphs (a) and (b) of this section, for each minor 16 or 17 years of age employed by him; and, if the employment is in an occupation found and by order declared to be particularly hazardous for the employment of minors 16 and under 18 years of age or detrimental to their health or well-being, he should obtain a certificate of age for each minor 18 or 19 years of age so employed. An employer may request the issuance of a certificate for any minor of more advanced age if he has any doubt concerning the age of such minor.

Sec. 3. *Federal certificates of age, information contained in.*—A Federal certificate of age issued by any person authorized by the Chief of the Bureau shall contain the following information:

(a) Name and address of minor.

: Employment of a child by his parent or by a person standing in place of a parent in occupations other than manufacturing or mining is exempted (section 3 (1)) from the 16-year minimum-age standard.

The Act provides that the Chief of the Bureau shall provide by regulation or by order that the employment of employees between the ages of 14 and 16 years in occupations other than manufacturing and mining shall not be deemed to constitute oppressive child labor if and to the extent that the Chief of the Bureau determines that such employment is confined to periods which will not interfere with their schooling and to conditions which will not interfere with their health and well-being.

(b) Place and date of birth of minor, together with a statement indicating the evidence on which this is based.

(c) Sex and color of minor.

(d) Signature of minor.

(e) Name and address of minor's parent or person standing in place of parent.

(f) Name and address of employer.

(g) Signature of issuing officer.

(h) Date and place of issuance.

A Federal certificate of age for a minor under 18 years of age shall be sent by the person authorized to issue such certificates to the prospective employer of the minor, who shall keep such certificate on file at the place of the minor's employment and who on the termination of the employment of the minor shall return the certificate to the person issuing it. A certificate so returned shall be accepted as proof of age for the issuance of any subsequent Federal certificate of age for that minor, without presentation of further proof of age. Whenever a Federal certificate of age is issued for a minor 18 or 19 years of age it shall be given to the minor by the person issuing the certificate. Every minor 18 or 19 years of age shall, upon entering employment, deliver his certificate of age to his employer for filing and upon the termination of the employment the employer shall return the certificate to the minor.

Sec. 4. *Proof of age.*—A Federal certificate of age shall be issued upon application of the minor desiring employment to the person authorized to issue such certificates and only after documentary evidence of age has been received, examined, and approved. Such evidence shall consist of one of the following proofs of age, to be required in the order of preference herein designated, as follows:

(a) A birth certificate or attested transcript thereof or a signed statement of the recorded date and place of birth, issued by a registrar of vital statistics or other officer charged with the duty of recording births.

(b) A record of baptism or attested transcript thereof, showing the date and place of birth and date and place of baptism of the minor, or a bona fide contemporary record of the date and place of the minor's birth kept in the Bible in which the records of the births in the family of the minor are preserved, or other documentary evidence satisfactory to the Chief of the Bureau or such persons as he may authorize to issue Federal certificates of age, such as a passport showing the age of the minor, or a certificate of arrival in the United States issued by the United States immigration office and showing the age of the minor, or a life-insurance policy; *Provided*, That, such other documentary evidence has been in existence at least one year prior to the time it is offered as evidence; and *Provided further*, That a

school record of age or an affidavit of a parent or a person standing in place of a parent, or other written statement of age shall not be accepted except as specified in paragraph (c) of this section:

(c) The school record or the school-census record of the age of the minor, together with the sworn statement of a parent or person standing in place of a parent as to the age of the minor and also a certificate signed by a physician specifying what in his opinion is the physical age of the minor; such certificate shall show the height and weight of the minor and other facts concerning his physical development which were revealed by such examination and upon which the opinion of the physician as to the physical age of the minor is based. If the school or school-census record of age is not obtainable, the sworn statement of the parent or person standing in place of a parent as to the age of the minor, together with a physician's certificate of age as hereinbefore specified, may be accepted as evidence of age.

The officer issuing a Federal certificate of age for a minor shall require the evidence of age specified in paragraph (a) of this section in preference to that specified in paragraphs (b) and (c) of this section, and shall not accept the evidence of age permitted by either subsequent paragraph unless he shall receive and file evidence that the evidence of age required by the preceding paragraph or paragraphs cannot be obtained.

**SEC. 5. Acceptance of State certificates.**—A State in which age, employment, or working certificates or permits are issued by or under the supervision of a State agency substantially in accordance with this regulation may be designated by the Chief of the Bureau as a State in which certificates so issued shall have the same force and effect as Federal certificates except as individual certificates may be suspended or revoked in accordance with section 6 hereof: *Provided*, That any State having a certificate system which does not entirely conform with this regulation may be so designated temporarily by the Chief of the Bureau upon the basis of an agreement with an agency of the State pending such improvements in State law and procedure as will bring such State system up to the Standards of this regulation.

Certificates requiring conditions or restrictions additional to those required by this regulation shall not be deemed to be inconsistent herewith.

The designation of a State under this section shall have force and effect during the period of time specified therein unless withdrawal of such designation at an earlier date is deemed desirable for the effective administration of the Act. No withdrawal or expiration of the designation of a State under this section

shall make any certificate invalid if it was issued by or under the supervision of a State agency as herein provided prior to such withdrawal or expiration.

**SEC. 6. Suspension or revocation of certificates.**—(a) Whenever a person duly authorized to make investigations or inspections under this Act shall obtain substantial evidence that the age of the minor as given on a certificate held by an employer subject to this Act is incorrect, he shall inform the employer and the minor of such evidence and of his intention to present the same to the issuing officer in order to afford such officer opportunity to revoke the certificate. Before revoking a certificate the issuing officer shall give the employer and the minor reasonable opportunity to present any evidence which they may desire to present in support of the validity of the certificate. If, upon such presentation, the issuing officer does not revoke the certificate, the said authorized person shall, if in his judgment the evidence so warrants, suspend the certificate for the purposes of the Act by writing across the face of the certificate "SUSPENDED AS PROOF OF AGE UNDER THE FAIR LABOR STANDARDS ACT OF 1938" and he shall notify the employer, the minor, the issuing officer, and the State agency or agencies supervising the issuance or revocation of certificates that the certificate is suspended as proof of age under the Act. Such notice shall contain a statement of the evidence upon which the suspension is based and the reason for such suspension, and shall inform the persons notified that if they so desire they may send documentary evidence or certified copies thereof, or other relevant information concerning the age of the minor for whom the certificate is suspended, to the appropriate reviewing officer in that State, if any, whose name and address shall be stated in said notice, or, if there is no such reviewing officer, to the Chief of the Bureau, who in such case shall be the reviewing officer. The person suspending the certificate shall also send to the reviewing officer a complete statement of the case, including copies of documentary evidence upon which such suspension is based. In no case shall the Chief of the Bureau cancel the acceptance for the purposes of the Act of a State certificate issued by or under the supervision of a State agency without giving the State agency or agencies supervising the issuance or revocation of certificates adequate opportunity to revoke or cancel the certificate in question.

(b) After the expiration of a reasonable period for the submission of evidence to the reviewing officer by any of the interested persons and upon the basis of evidence so submitted—

(1) the reviewing officer shall revoke the certificate or cancel the acceptance of the certificate for the purposes of the

Act and send notices of his action to the minor, the employer, the officer suspending the certificate, the issuing officer, and when the reviewing officer is not the Chief of the Bureau, to the Chief of the Bureau, or—

(2) if the reviewing officer is not the Chief of the Bureau and if such reviewing officer believes that the action of the officer suspending the certificate should be reversed, he shall submit the case to the Chief of the Bureau with such recommendations as he may wish to make.

The Chief of the Bureau shall have the right in all cases to review and approve or reverse the action of suspending or reviewing officers and shall review suspensions in all cases in which there has been no previous review, and shall send notices of his decision to the minor, the employer, the issuing officer, the officer suspending the certificate, and the reviewing officer.

(c) If the action on a suspension or revocation of a certificate is reversed, a new certificate may be issued upon the surrender of the one suspended or revoked. If for any reason such new certificate cannot be obtained from an issuing officer the notice of the reversal of suspension or revocation, if attached to such certificate, shall be recognized and accepted as meeting the requirements of the Act and of this regulation.

**SEC. 7. Revoked or suspended certificates.**—A certificate which has been revoked, suspended, or canceled as proof of age under the Act shall be of no force and effect under the Act, after notice of such revocation, suspension, or cancellation, except as otherwise provided in section 6 hereof.

**SEC. 8. Effect on other laws.**—No provision of this regulation shall under any circumstances justify or be construed to permit noncompliance with the provisions of any other Federal law or of any State law or municipal ordinance establishing higher standards than those established under this regulation.

**SEC. 9. Revision of regulation.**—Any person wishing a revision of any of the terms of the foregoing regulation applicable to certificates of age may submit in writing to the Chief of the Bureau a petition setting forth the changes desired and the reasons for proposing them. If, after consideration of the petition, the Chief of the Bureau believes that reasonable cause for amendment of the regulation is set forth, he shall either schedule a hearing, with due notice to interested parties, or shall make other provision for affording interested parties an opportunity to present their views, both in support and in opposition to the proposed changes.

KATHARINE F. LENROOT,  
Chief of the Children's Bureau.

[F. R. Doc. 38-3045; Filed, October 14, 1938;  
12:48 p. m.]

**Notices****DEPARTMENT OF AGRICULTURE.**

Agricultural Adjustment Administration.

**PROCLAMATION WITH RESPECT TO BASE PERIOD TO BE USED FOR PURPOSE OF MARKETING AGREEMENT AND ORDER REGULATING HANDLING OF BEURRE D'ANJOU, BEURRE BOSC, WINTER NELIS, DOYENNE DU COMICE, BEURRE EASTER AND BEURRE CLAIRGEAU VARIETIES OF FRESH PEARS GROWN IN STATES OF OREGON, WASHINGTON AND CALIFORNIA**

By virtue of the authority vested in the Secretary of Agriculture by Public No. 10, 73rd Congress, as amended, and as reenacted and amended by the Agricultural Marketing Agreement Act of 1937, approved June 3, 1937, it is hereby found and proclaimed that, with respect to the Beurre D'Anjou, Beurre Bosc, Winter Nelis, Doyenne Du Comice, Beurre Easter and Beurre Clairgeau varieties of fresh pears grown in the States of Oregon, Washington and California, the purchasing power of such fall and winter pears during the base period, August 1909—July 1914, cannot be satisfactorily determined from available statistics of the Department of Agriculture for the purpose of the execution of a marketing agreement and the issuance of an order regulating the handling of the Beurre D'Anjou, Beurre Bosc, Winter Nelis, Doyenne Du Comice, Beurre Easter and Beurre Clairgeau varieties of fresh pears grown in the States of Oregon, Washington and California, but the purchasing power of such fall and winter pears grown in the States of Oregon, Washington and California, can be satisfactorily determined from available statistics of the Department of Agriculture for the post-war period, August 1920—July 1929. The period August 1920—July 1929 is, therefore, hereby declared and proclaimed to be the base period to be used in determining the purchasing power of said varieties of fresh pears grown in the States of Oregon, Washington and California for the purpose of the execution of a marketing agreement and the issuance of an order regulating the handling of such fruit.

In witness whereof, the Secretary of Agriculture has executed this proclamation in duplicate and has hereunto set his hand and caused the seal of the Department of Agriculture to be affixed in the City of Washington, District of Columbia, this 7th day of October 1938.

[SEAL] H. A. WALLACE,  
Secretary of Agriculture.

[F. R. Doc. 38-3024; Filed, October 13, 1938;  
1:43 p. m.]

No. 202—2

**DEPARTMENT OF LABOR.****Wage and Hour Division.**

**NOTICE OF HEARING REGARDING APPLICATION OF WESTERN UNION TELEGRAPH COMPANY FOR PERMISSION TO EMPLOY MESSENGERS AT WAGE RATES LESS THAN APPLICABLE MINIMUM WAGE SPECIFIED IN SECTION 6 OF FAIR LABOR STANDARDS ACT OF 1938**

Whereas, application has been made by the Western Union Telegraph Company under Section 14 of the Fair Labor Standards Act of 1938 and regulations (Part 523—Regulations Applicable to the Employment of Messengers pursuant to Section 14 of the Fair Labor Standards Act—Title 29, Labor, chapter 5, Wage and Hour Division) issued by the Administrator thereunder for permission to employ messengers at wages less than the applicable minimum wage specified in Section 6 of the Act;

Now, therefore, pursuant to the Act and the regulations, notice is hereby given of a public hearing to be held on said application in Room 500, State Office Building, 80 Center Street, New York City, to commence at 10:00 A. M., on October 20, 1938, to take testimony for the purpose of determining whether it is necessary, in order to prevent curtailment of opportunities for employment, to provide for the employment of messengers (employed exclusively in delivering letters and messages) at wage rates lower than the minimum wage applicable under Section 6 of the Fair Labor Standards Act of 1938, and, if such necessity is found to exist, to determine at what wages lower than the minimum wage applicable under Section 6, such employment of messengers shall be permitted, and with what limitations as to time, number, proportion and length of service.

At this hearing, opportunity will be afforded to interested persons to present evidence relevant to the foregoing inquiry. All persons or associations desiring to avail themselves of this opportunity should if possible notify the Administrator in advance by telegraph.

Pursuant to authority vested in the Administrator by the Fair Labor Standards Act of 1938, Mr. William M. Leiserson is hereby designated as presiding officer to conduct the said hearing and to determine whether it is necessary in order to prevent curtailment of opportunities for employment, to provide for the employment of messengers (employed exclusively in delivering letters and messages) at wage rates lower than the minimum wage applicable under Section 6 of said act, and if such necessity is found to exist, to determine at what wages lower than the minimum wage applicable under Section 6, such employment of messengers shall be permitted, and with what limitations as to time, number, proportion and length of service.

as to time, number, proportion, and length of service.

[SEAL] ELMER F. ANDREWS,  
Administrator.

OCTOBER 14, 1938.

[F. R. Doc. 38-3044; Filed, October 14, 1938;  
12:47 p. m.]

**CIVIL AERONAUTICS AUTHORITY.**

[Docket No. 5-401 (E)-2]

**APPLICATION OF NATIONAL AIRLINES, INC., UNDER SECTION 401 (E) FOR A PERMANENT CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY FOR SCHEDULED AIR TRANSPORTATION OF MAIL, PASSENGERS, AND PROPERTY BETWEEN DAYTONA BEACH AND MIAMI, FLA., VIA ORLANDO, LAKELAND, TAMPA, ST. PETERSBURG, SARASOTA, AND FORT MYERS, FLA.**

OCTOBER 13, 1938.

The above-entitled proceeding is assigned for public hearing on October 29, 1938, 10 o'clock a. m. (standard time), at the office of the Civil Aeronautics Authority, Washington, D. C., before examiner L. Jordan.

By the Authority.

[SEAL] PAUL J. FRIZZELL,  
Secretary.

[F. R. Doc. 38-3037; Filed, October 14, 1938;  
12:32 p. m.]

[Docket No. 6-401 (E)-1]

**APPLICATION OF PAN AMERICAN AIRWAYS COMPANY UNDER SECTION 401 (E) FOR A PERMANENT CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY FOR SCHEDULED AIR TRANSPORTATION OF PASSENGERS, PROPERTY, AND MAIL BETWEEN SAN FRANCISCO, CALIF., AND HONG KONG, CHINA**

OCTOBER 13, 1938.

The above-entitled proceeding is assigned for public hearing on October 24, 1938, 10 o'clock a. m. (standard time), at the office of the Civil Aeronautics Authority, Washington, D. C., before examiner F. A. Law.

By the Authority.

[SEAL] PAUL J. FRIZZELL,  
Secretary.

[F. R. Doc. 38-3038; Filed, October 14, 1938;  
12:32 p. m.]

[Docket No. 7-401 (E)-1]

**APPLICATION OF MARQUETTE AIRLINES, INC., UNDER SECTION 401 (E) FOR A PERMANENT CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY FOR SCHEDULED AIR TRANSPORTATION OF PASSENGERS, AND PROPERTY FROM ST.**

## FEDERAL REGISTER, Saturday, October 15, 1938

LOUIS, MO., VIA GREENVILLE, ILL., VINCENTENNES, IND., SEYMOUR, IND., TO CINCINNATI, OHIO, THENCE TO DAYTON, OHIO, THENCE VIA FINDLAY, OHIO, TO TOLEDO, OHIO, THENCE TO DETROIT, MICH., AND RETURN

OCTOBER 13, 1938.

The above-entitled proceeding is assigned for public hearing on October 25, 1938, 10 o'clock a. m. (standard time), at the office of the Civil Aeronautics Authority, Washington, D. C., before examiner A. G. Nye.

By the Authority.

[SEAL] PAUL J. FRIZZELL,  
Secretary.

[F. R. Doc. 38-3039; Filed, October 14, 1938;  
12:32 p. m.]

[Docket No. 8-401 (E)-1]

APPLICATION OF DELTA AIR CORPORATION  
UNDER SECTION 401 (E) FOR A PERMANENT  
CERTIFICATE OF PUBLIC CONVENIENCE  
AND NECESSITY FOR SCHEDULED  
AIR TRANSPORTATION OF MAIL, PASSENGERS,  
AND PROPERTY, FROM CHARLESTON,  
S. C., TO FORT WORTH, TEXAS

OCTOBER 13, 1938.

The above-entitled proceeding is assigned for public hearing on October 26, 1938, 10 o'clock a. m. (standard time), at the office of the Civil Aeronautics Authority, Washington, D. C., before examiner F. W. Brown.

By the Authority.

[SEAL] PAUL J. FRIZZELL,  
Secretary.

[F. R. Doc. 38-3040; Filed, October 14, 1938;  
12:32 p. m.]

[Docket No. 10-401 (E)-1]

APPLICATION OF PACIFIC ALASKA AIRWAYS,  
INC., UNDER SECTION 401 (E) FOR A  
PERMANENT CERTIFICATE OF PUBLIC CONVENIENCE  
AND NECESSITY FOR SCHEDULED  
AIR TRANSPORTATION OF PASSENGERS,  
PROPERTY, AND MAIL BETWEEN FAIRBANKS,  
ALASKA, AND JUNEAU, ALASKA;  
FAIRBANKS, ALASKA, AND NOME, ALASKA;  
AND FAIRBANKS, ALASKA, AND BETHEL,  
ALASKA

OCTOBER 13, 1938.

The above-entitled proceeding is assigned for public hearing on October 24, 1938, 10 o'clock a. m. (standard time), at the office of the Civil Aeronautics Authority, Washington, D. C., before examiner F. A. Law.

By the Authority.

[SEAL] PAUL J. FRIZZELL,  
Secretary.

[F. R. Doc. 38-3041; Filed, October 14, 1938;  
12:32 p. m.]

[Docket No. 16-401 (E)-1]

APPLICATION OF UNITED AIR LINES TRANS-  
PORT CORPORATION UNDER SECTION 401  
(E) FOR A PERMANENT CERTIFICATE OF

PUBLIC CONVENIENCE AND NECESSITY  
FOR SCHEDULED AIR TRANSPORTATION  
FOR THE FOLLOWING ROUTES AND  
CLASSES OF SERVICE

- (1) Route AM-1, Newark via intermediate points, including Cleveland, Chicago, Omaha, Denver, Cheyenne, Salt Lake City, and San Francisco, to Oakland and return. Mail, Passengers, and property.
- (2) Route AM-11, Seattle via intermediate points, including Portland, Oakland, San Francisco, and Los Angeles to San Diego, and return. Mail, passengers, and property.
- (3) Route AM-12, Salt Lake City via Boise, Pendleton, and Portland, to Seattle, and return, and Pendleton via Walla Walla to Spokane and return. Mail, passengers, and property.
- (4) Route AM-17, Denver to Cheyenne and return. Mail, passengers, and property.
- (5) Seattle to Vancouver, British Columbia, and return. Passengers and property.
- (6) Cleveland via Camden to Newark and return, and Camden to Allentown and return. Passengers and property.

OCTOBER 13, 1938.

The above-entitled proceeding is assigned for public hearing on October 27, 1938, 10 o'clock a. m. (standard time), at the office of the Civil Aeronautics Authority, Washington, D. C., before examiner F. W. Brown.

By the Authority.

[SEAL] PAUL J. FRIZZELL,  
Secretary.

[F. R. Doc. 38-3042; Filed, October 14, 1938;  
12:33 p. m.]

[Docket No. 17-401 (E)-1]

APPLICATION OF TRANSCONTINENTAL &  
WESTERN AIR, INC., UNDER SECTION 401  
(E) FOR A PERMANENT CERTIFICATE OF  
PUBLIC CONVENIENCE AND NECESSITY FOR  
SCHEDULED AIR TRANSPORTATION COV-  
ERING THE FOLLOWING ROUTES AND  
SERVICES

Scheduled operations (mail, passenger,  
and property)  
Newark (New York)—Los Angeles  
Newark (New York)—San Francisco—  
Oakland  
Newark (New York)—Phoenix  
Phoenix—San Francisco—Oakland  
Phoenix—Los Angeles  
Scheduled operations (passenger and  
property)  
Chicago—Kansas City

OCTOBER 13, 1938.

The above-entitled proceeding is assigned for public hearing on October 28, 1938, 10 o'clock a. m. (standard time), at the office of the Civil Aeronautics Au-

thority, Washington, D. C., before examiner C. E. Leasure.  
By the Authority.

[SEAL] PAUL J. FRIZZELL,  
Secretary.

[F. R. Doc. 38-3043; Filed, October 14, 1938;  
12:33 p. m.]

## FEDERAL POWER COMMISSION.

[Docket No. G-102]

APPLICATION OF UNITED GAS PIPE LINE  
COMPANY

ORDER SETTING DATE OF HEARING

OCTOBER 11, 1938.

Commissioners: Clyde L. Seavey, Acting Chairman; Basil Manly, John W. Scott. Claude L. Draper not participating.

Upon application filed August 15, 1938, by the United Gas Pipe Line Company of Houston, Texas, for an order of the Commission authorizing the exportation of natural gas from the State of Texas into the Republic of Mexico, and,

It appearing that: A public hearing should be held upon said application to enable the Commission to determine whether the proposed exportation will be consistent with the public interest;

Now, therefore, the Commission orders that: A public hearing on said application be held on November 7, 1938, at 10 a. m. in the Hearing Room of the Federal Power Commission, Hurley-Wright Building, 1800 Pennsylvania Avenue, N. W., Washington, D. C.

By the Commission.

[SEAL] LEON M. PUQUAY,  
Secretary.

[F. R. Doc. 38-3025; Filed, October 14, 1938;  
9:54 a. m.]

[Docket No. G-103]

## APPLICATION OF UNITED GAS CORPORATION

ORDER SETTING DATE OF HEARING

OCTOBER 11, 1938.

Commissioners: Clyde L. Seavey, Acting Chairman; Basil Manly, John W. Scott. Claude L. Draper not participating.

Upon application filed August 30, 1938, by the United Gas Corporation of Houston, Texas, for an order of the Commission authorizing the exportation of natural gas from the State of Texas into the Republic of Mexico, and,

It appearing that: A public hearing should be held upon said application to enable the Commission to determine whether the proposed exportation will be consistent with the public interest;

Now, therefore, the Commission orders that: A public hearing on said application be held on November 7, 1938, at 10 a. m. in the Hearing Room of the Federal Power Commission, Hurley-Wright

Building, 1800 Pennsylvania Avenue, N. W., Washington, D. C.  
By the Commission.

[SEAL] LEON M. FUQUAY,  
Secretary.

[F. R. Doc. 38-3026; Filed, October 14, 1938;  
9:54 a. m.]

[Docket No. G-104]

**APPLICATION OF EL PASO NATURAL GAS COMPANY**

**ORDER SETTING DATE OF HEARING**

OCTOBER 11, 1938.

Commissioners: Clyde L. Seavey, Acting Chairman, Basil Manly, John W. Scott. Claude L. Draper not participating.

Upon application filed September 3, 1938, by the El Paso Natural Gas Company of El Paso, Texas, for an order of the Commission authorizing the exportation of natural gas from a point near the Town of Naco, Arizona, into the Republic of Mexico, and,

It appearing that: A public hearing should be held upon said application to enable the Commission to determine whether the proposed exportation will be consistent with the public interest;

Now, therefore, the Commission orders that: A public hearing on said application be held on November 8, 1938, at 10 a. m., in the Hearing Room of the Federal Power Commission, Hurley-Wright Building, 1800 Pennsylvania Ave. N. W., Washington, D. C.

By the Commission.

[SEAL] LEON M. FUQUAY,  
Secretary.

[F. R. Doc. 38-3027; Filed, October 14, 1938;  
9:54 a. m.]

[Docket No. G-107]

**APPLICATIONS OF TEXAS CITIES GAS COMPANY AND EL PASO NATURAL GAS COMPANY**

**ORDER SETTING DATE OF HEARING**

OCTOBER 11, 1938.

Commissioners: Clyde L. Seavey, Acting Chairman; Basil Manly, John W. Scott. Claude L. Draper not participating.

Upon applications filed September 19, 1938, by the Texas Cities Gas Company of Dallas, Texas, and September 21, 1938, by the El Paso Natural Gas Company of El Paso, Texas, respectively, for an order of the Commission authorizing the exportation of natural gas from the State of Texas into the Republic of Mexico, and,

It appearing that: A public hearing should be held upon said applications to enable the Commission to determine whether the proposed exportation will be consistent with the public interest;

Now, therefore, the Commission orders that: A public hearing on said applica-

tions be held on November 8, 1938, at 10 a. m., in the Hearing Room of the Federal Power Commission, Hurley-Wright Building, 1800 Pennsylvania Avenue, N. W., Washington, D. C.

By the Commission.

[SEAL] LEON M. FUQUAY,  
Secretary.

[F. R. Doc. 38-3028; Filed, October 14, 1938;  
9:54 a. m.]

**FEDERAL TRADE COMMISSION**

*United States of America—Before  
Federal Trade Commission*

At a regular session of the Federal Trade Commission, held at its office in the City of Washington, D. C., on the 11th day of October, A. D. 1938.

Commissioners: Garland S. Ferguson, Chairman; Charles H. March, Ewin L. Davis, William A. Ayres, Robert E. Freer.

[Docket No. 3422]

**IN THE MATTER OF BELMONT SALES COMPANY, A CORPORATION, AND ROBERT C. BUNDY, INDIVIDUALLY AND TRADING AS JACKSON SALES COMPANY AS AN OFFICER OF BELMONT SALES COMPANY AND MILDRED BUNDY, INDIVIDUALLY AND AS OFFICER OF BELMONT SALES COMPANY**

**ORDER APPOINTING EXAMINER AND FIXING TIME AND PLACE FOR TAKING TESTIMONY**

This matter being at issue and ready for the taking of testimony, and pursuant to authority vested in the Federal Trade Commission, under an Act of Congress (38 Stat. 717; 15 U. S. C. A., Section 41),

It is ordered, That Charles F. Diggs, an examiner of this Commission, be and he hereby is designated and appointed to take testimony and receive evidence in this proceeding and to perform all other duties authorized by law;

It is further ordered, That the taking of testimony in this proceeding begin on Monday, November 14, 1938, at ten o'clock in the forenoon of that day (central standard time) in Room 1123, New Post Office Building, 433 West Van Buren Street, Chicago, Illinois.

Upon completion of testimony for the Federal Trade Commission, the examiner is directed to proceed immediately to take testimony and evidence on behalf of the respondent. The examiner will then close the case and make his report upon the evidence.

By the Commission.

[SEAL] OTIS B. JOHNSON,  
Secretary.

[F. R. Doc. 38-3031; Filed, October 14, 1938;  
11:40 a. m.]

*United States of America—Before  
Federal Trade Commission*

At a regular session of the Federal Trade Commission, held at its office in the City of Washington, D. C., on the 11th day of October, A. D. 1938.

Commissioners: Garland S. Ferguson, Chairman; Charles H. March, Ewin L. Davis, William A. Ayres, Robert E. Freer.

[Docket No. 3426]

**IN THE MATTER OF MORRIS L. RAUER, INDIVIDUALLY AND TRADING AS EARL CHROME MANUFACTURING COMPANY**

**ORDER APPOINTING EXAMINER AND FIXING TIME AND PLACE FOR TAKING TESTIMONY**

This matter being at issue and ready for the taking of testimony, and pursuant to authority vested in the Federal Trade Commission, under an Act of Congress (38 Stat. 717; 15 U. S. C. A., Section 41).

It is ordered, That Charles F. Diggs, an examiner of this Commission, be and he hereby is designated and appointed to take testimony and receive evidence in this proceeding and to perform all other duties authorized by law;

It is further ordered, That the taking of testimony in this proceeding begin on Wednesday, November 9, 1938, at eleven o'clock in the forenoon of that day (central standard time) in Room 1123, New Post Office Building, 433 West Van Buren Street, Chicago, Illinois.

Upon completion of testimony for the Federal Trade Commission, the examiner is directed to proceed immediately to take testimony and evidence on behalf of the respondent. The examiner will then close the case and make his report upon the evidence.

By the Commission.

[SEAL] OTIS B. JOHNSON,  
Secretary.

[F. R. Doc. 38-3032; Filed, October 14, 1938;  
11:40 a. m.]

*United States of America—Before  
Federal Trade Commission*

At a regular session of the Federal Trade Commission, held at its office in the City of Washington, D. C., on the 11th day of October, A. D. 1938.

Commissioners: Garland S. Ferguson, Chairman; Charles H. March, Ewin L. Davis, William A. Ayres, Robert E. Freer.

[Docket No. 3496]

**IN THE MATTER OF PHILIP F. RUBENSTEIN, INDIVIDUALLY AND TRADING AS ASSOCIATED SALES COMPANY**

**ORDER APPOINTING EXAMINER AND FIXING TIME AND PLACE FOR TAKING TESTIMONY**

This matter being at issue and ready for the taking of testimony, and pursuant to authority vested in the Federal Trade Commission, under an Act of Congress (38 Stat. 717; 15 U. S. C. A., Section 41),

It is ordered, That Charles F. Diggs, an examiner of this Commission, be and he hereby is designated and appointed to take testimony and receive evidence in this proceeding and to perform all other duties authorized by law;

It is further ordered, That the taking of testimony in this proceeding begin on Wednesday, Nov. 9, 1938, at eleven-thirty

o'clock in the forenoon of that day (central standard time) in Room 1123, New Post Office Building, 433 West Van Buren Street, Chicago, Illinois.

Upon completion of testimony for the Federal Trade Commission, the examiner is directed to proceed immediately to take testimony and evidence on behalf of the respondent. The examiner will then close the case and make his report upon the evidence.

By the Commission.

[SEAL] OTIS B. JOHNSON,  
Secretary.

[F. R. Doc. 38-3033; Filed, October 14, 1938;  
11:40 a. m.]

*United States of America—Before  
Federal Trade Commission*

At a regular session of the Federal Trade Commission, held at its office in the City of Washington, D. C., on the 12th day of October, A. D. 1938.

Commissioners: Garland S. Ferguson, Chairman; Charles H. March, Ewin L. Davis, William A. Ayres, Robert E. Freer.

[Docket No. 3508]

**IN THE MATTER OF THEODORE G. MILLER,  
INDIVIDUALLY AND TRADING AS AMERICAN  
SPORTSWEAR**

**ORDER APPOINTING EXAMINER AND FIXING  
TIME AND PLACE FOR TAKING TESTIMONY**

This matter being at issue and ready for the taking of testimony, and pursuant to authority vested in the Federal Trade Commission, under an Act of Congress (38 Stat. 717; 15 U. S. C. A., Section 41),

*It is ordered, That Charles F. Diggs, an examiner of this Commission, be and he hereby is designated and appointed to take testimony and receive evidence in this proceeding and to perform all other duties authorized by law;*

*It is further ordered, That the taking of testimony in this proceeding begin on Monday, November 7, 1938, at two o'clock in the afternoon of that day (central standard time), in Room 1123, New Post Office Building, 433 West Van Buren Street, Chicago, Illinois.*

Upon completion of testimony for the Federal Trade Commission, the examiner is directed to proceed immediately to take testimony and evidence on behalf of the respondent. The examiner will then close the case and make his report upon the evidence.

By the Commission.

[SEAL] OTIS B. JOHNSON,  
Secretary.

[F. R. Doc. 38-3034; Filed, October 14, 1938;  
11:41 a. m.]

*United States of America—Before  
Federal Trade Commission*

At a regular session of the Federal Trade Commission, held at its office in the City of Washington, D. C., on the 11th day of October, A. D. 1938.

Commissioners: Garland S. Ferguson, Chairman; Charles H. March, Ewin L. Davis, William A. Ayres, Robert E. Freer.

[Docket No. 3569]

**IN THE MATTER OF AL B. WOLF AND MAX SCHWARTZ, INDIVIDUALLY AND DOING BUSINESS UNDER THE NAMES OF PARAMOUNT PRODUCTS COMPANY, AND PARAMOUNT GARMENT COMPANY**

**ORDER APPOINTING EXAMINER AND FIXING TIME AND PLACE FOR TAKING TESTIMONY**

This matter being at issue and ready for the taking of testimony, and pursuant to authority vested in the Federal Trade Commission, under an Act of Congress (38 Stat. 717; 15 U. S. C. A., Section 41),

*It is ordered, That Charles F. Diggs, an examiner of this Commission, be and he hereby is designated and appointed to take testimony and receive evidence in this proceeding and to perform all other duties authorized by law;*

*It is further ordered, That the taking of testimony in this proceeding begin on Wednesday, November 9, 1938, at ten o'clock in the forenoon of that day (central standard time) in Room 1123, New Post Office Building, 433 West Van Buren Street, Chicago, Illinois.*

Upon completion of testimony for the Federal Trade Commission, the examiner is directed to proceed immediately to take testimony and evidence on behalf of the respondent. The Examiner will then close the case and make his report upon the evidence.

By the Commission.

[SEAL] OTIS B. JOHNSON,  
Secretary.

[F. R. Doc. 38-3035; Filed, October 14, 1938;  
11:41 a. m.]

**SECURITIES AND EXCHANGE COMMISSION.**

*United States of America—Before the  
Securities and Exchange Commission*

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 11th day of October, A. D. 1938.

[File Nos. 43-103, 47-19]

**IN THE MATTER OF REPUBLIC ELECTRIC POWER CORP., SOUTHERN OREGON GAS CORP., CALIFORNIA UTILITIES CO., NEEDLES GAS AND ELECTRIC CO., WEAVERVILLE ELECTRIC CO., APACHE GAS CO., AND GAS TRANSPORT CO.**

**NOTICE OF ORDER APPROVING PLAN**

The Republic Electric Power Corporation of Delaware, a registered holding company, and its subsidiaries, with properties in California, Oregon, and Oklahoma, have jointly filed a declaration under Section 7 and applications under Sections 10, 11 (e) and 12 (d), and amendments thereto, regarding the sale and issuance of securities and acquisition and sale of utility assets incident to a

comprehensive plan of reorganization and recapitalization. As part of the Revised Plan, the applicants and declarants consent to an order providing for the ultimate disposition by Republic Electric Power Corporation of the properties of Apache Gas Company and Gas Transport Company and the dissolution of the Republic Electric Power Corporation and the Republic Mutual Service Company in conformity with Section 11 (b), and the simplification of the system's corporate structure.

A public hearing having been held after appropriate notice; the applicants and declarants having waived a trial examiner's report, submission of proposed findings of fact to the Commission or requested findings of fact by counsel for the Commission, the filing of briefs with the Commission and all arguments before the Commission, prior to the entry of the Commission's findings, opinion, and order herein; and the Commission having considered the record in these matters:

Has approved the Revised Plan as conforming to the provisions of Section 11 (b) of the Public Utility Holding Company Act, as necessary to effectuate the provisions thereof, and as fair and equitable to the persons affected thereby; subject, however, to certain terms and conditions set forth in the findings, opinion, and order of the Commission, a copy of which has been filed for inspection at the Office of the Federal Register.

By the Commission.

[SEAL] FRANCIS P. BRASSOR,  
Secretary.

[F. R. Doc. 38-3048; Filed, October 14, 1938;  
12:50 p. m.]

*United States of America—Before the  
Securities and Exchange Commission*

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 13th day of October, 1938.

[File No. 7-259]

**IN THE MATTER OF IRON FIREMAN MANUFACTURING CO. VOTING TRUST CERTIFICATES REPRESENTING COMMON CAPITAL STOCK, NO PAR VALUE, VOTING TRUST AGREEMENT EXTENDED TO DECEMBER 1, 1948**

**ORDER GRANTING APPLICATION**

Continuance of unlisted trading privileges on the New York Curb Exchange in the Voting Trust Certificates representing the Common Stock, No Par Value of Iron Fireman Manufacturing Company, issued under the authority of the Voting Trust Agreement terminating December 1, 1938, having been permitted by action of this Commission on October 1, 1934; and

Said Exchange, pursuant to paragraph (b) of Rule JF2, having applied to this Commission setting forth that there are being effected changes in said security

other than those specified in paragraph (a) of said Rule and asking the Commission to determine that said security after said changes is substantially equivalent to the said security heretofore admitted to unlisted trading privileges; and

The Commission having considered the matter;

*It is ordered*, Pursuant to Section 12 (f) and 23 (a) of the Securities Exchange Act of 1934, as amended, and Rule JF2 (b) promulgated thereunder, that the determination sought by said application be and the same is hereby made, subject to the effective date of the Voting Trust Agreement, December 1, 1938.

By the Commission.

[SEAL] FRANCIS P. BRASSOR,  
Secretary.

[F. R. Doc. 38-3047; Filed, October 14, 1938;  
12:49 p. m.]

#### UNITED STATES MARITIME COMMISSION.

At a regular session of the United States Maritime Commission held at its office in Washington, D. C. on the 13th day of October 1938.

#### ORDER FOR HEARINGS ON MINIMUM WAGE SCALES, MINIMUM MANNING SCALES AND REASONABLE WORKING CONDITIONS FOR

#### ELECTRICIANS, MACHINISTS, PLUMBERS, STOREKEEPERS, BOILERMAKERS, ETC., EMPLOYED ON SUBSIDIZED VESSELS

Application having been made to the Commission, pursuant to Section 301 (a) of the Merchant Marine Act, 1936, by the National Maritime Union of New York, New York, and the International Brotherhood of Electrical Workers of Washington, D. C., for the establishment of, and incorporation in contracts authorized under Titles VI and VII of said Act, minimum wage scales, minimum manning scales and reasonable working conditions for members of the crews of subsidized vessels employed as electricians, machinists, plumbers, storekeepers, boilermakers, and in other specialized unlicensed ratings; and

The Commission deeming it advisable to determine what, if any, minimum wage scales, minimum manning scales and reasonable working conditions should be adopted for said employees, it is hereby

Ordered, that public hearings be held at the offices of the Commission at 45 Broadway, New York, New York, on November 1, 1938, and at the offices of the Commission at 200 Bush Street, San Francisco, California, on November 1, 1938, to take evidence of the relevant facts, concerning the working conditions of said employees in ocean-going shipping, to be considered by the Commission,

together with other facts obtained through its investigations, in determining what, if any, minimum wage scales, minimum manning scales and reasonable working conditions should be established by the Commission for those members of the crews of vessels receiving an Operating-Differential Subsidy, who are employed as electricians, machinists, plumbers, storekeepers, boilermakers, and in other specialized unlicensed ratings, and it is further

Ordered, that said hearings be conducted by a member of the Commission or a duly designated officer of the Commission, and they are hereby empowered to subpoena witnesses, administer oaths and affirmations, take evidence, and require the production of any books, papers or other documents which are relevant or material to the matter under investigation; and it is further

Ordered, that such member or duly designated officer of the Commission may change the time and place of said hearings, may continue or adjourn said hearings from time to time, and may conduct the same in such manner and under such rules as by him may be deemed necessary or advisable.

By the Commission.

[SEAL] W. C. PEET, JR.,  
Secretary.

[F. R. Doc. 38-3049; Filed, October 14, 1938;  
1:00 p. m.]

